

Erin Leahy

From: Nayer, Tracy <Tnayer@ncdoj.gov>
Sent: Monday, March 3, 2025 3:30 PM
To: Neil Ende
Cc: Greg Taylor; Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov); Dylan Jones (AZ AG) (Dylan.Jones@azag.gov); Erin Leahy; Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov); Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov); Patrick Crotty (FL); Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov); Sparko, Rochelle; Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov)
Subject: RE: Request for Meet-and-Confer on Protective Order
Attachments: DRAFT Unopposed Avid Protective Order (03-03-2025).pdf

Thanks, Neil. Attached is a clean/final version of the PO. We are preparing an unopposed motion requesting entry of the PO that we can be ready to file as soon as tomorrow, so no signatures will be necessary on your part. The attached copy of the PO will accompany this motion.

Please let us know if we can indicate that Defendants will not oppose a motion to enter the attached PO, or if you would prefer that the parties file this as a joint motion requesting entry of the PO.

We will reach out regarding the ESI in the coming days.

Thanks again,
 Tracy



Tracy Nayer
 Special Deputy Attorney General
 Consumer Protection Division
 North Carolina Department of Justice
 (919) 716-6581
tnayer@ncdoj.gov
 Post Office Box 629, Raleigh, NC 27602
 114 West Edenton Street, Raleigh, NC 27603
<https://ncdoj.gov/>

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From: Neil Ende <nende@tlgdc.com>
Sent: Monday, March 3, 2025 12:20 PM
To: Nayer, Tracy <Tnayer@ncdoj.gov>
Cc: Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>; Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>; Erin Leahy (OH AG) (erin.leahy@ohioago.gov) <erin.leahy@ohioago.gov>; Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>; Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>; Nayer, Tracy <Tnayer@ncdoj.gov>; Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com>; Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>; Sparko, Rochelle <rsparko@NCDOJ.GOV>; Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov) <Thomas.Martindale@atg.in.gov>; Greg Taylor <gtaylor@tlgdc.com>

Subject: Re: Request for Meet-and-Confer on Protective Order

Importance: High

We have reviewed the revised PO and we can live with the terms.

Unless you have additional issues, please send us a final for review and signature.

Neil S. Ende, Esq.
Managing Partner
Technology Law Group, LLC
nende@tlgdc.com
202-895-1707 (Office)
202-256-0120 (Mobile)
703-229-6741 PIN 854# (Voice Conference Bridge)

From: Nayer, Tracy <Tnayer@ncdoj.gov>

Date: Monday, February 24, 2025 at 2:02 PM

To: Neil Ende <nende@tlgdc.com>, Greg Taylor <gtaylor@tlgdc.com>

Cc: Alyse.Meislik@azag.gov <Alyse.Meislik@azag.gov>, Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>, Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>, Erin Leahy (OH AG) (erin.leahy@ohioago.gov) <erin.leahy@ohioago.gov>, Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>, Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>, Nayer, Tracy <Tnayer@ncdoj.gov>, Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com>, Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>, Sparko, Rochelle <rsparko@NCDOJ.GOV>, Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov) <Thomas.Martindale@atg.in.gov>

Subject: RE: Request for Meet-and-Confer on Protective Order

Neil and Greg,

Regarding the requested PO meet-and-confer rescheduling, this week we can now meet during the following windows:

- Tuesday, Feb. 25, at 3:00 pm ET
- Wednesday, Feb. 26, anytime between 1:00 pm and 4:00 pm ET

Let us know if either of these will work for you,
Tracy



Tracy Nayer

Special Deputy Attorney General
Consumer Protection Division
North Carolina Department of Justice
(919) 716-6581
tnayer@ncdoj.gov
Post Office Box 629, Raleigh, NC 27602
114 West Edenton Street, Raleigh, NC 27603

<https://ncdoj.gov/>

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From: Neil Ende <nende@tlgdc.com>

Sent: Monday, February 24, 2025 10:50 AM

To: Nayer, Tracy <Tnayer@ncdoj.gov>

Cc: Greg Taylor <gtaylor@tlgdc.com>; Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>; Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>; Erin Leahy (OH AG) (erin.leahy@ohioago.gov) <erin.leahy@ohioago.gov>; Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>; Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>; Nayer, Tracy <Tnayer@ncdoj.gov>; Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com>; Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>; Sparko, Rochelle <rsparko@NCDOJ.GOV>; Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov) <Thomas.Martindale@atg.in.gov>

Subject: Re: Request for Meet-and-Confer on Protective Order

Importance: High

Tracy:

An unavoidable conflict has arisen re: today's call. We can be available tomorrow, Thursday or Friday.

Please let us know what days/times work best for you.

Also, you have had access to the additional settlement documents for some time, we ask that you provide us with a specific response to our settlement proposals for Mr. Lansky and for Ms. Reeves.

Thank you.

Neil S. Ende, Esq.
Managing Partner
Technology Law Group, LLC
nende@tlgdc.com
202-895-1707 (Office)
202-256-0120 (Mobile)
703-229-6741 PIN 854# (Voice Conference Bridge)

From: Nayer, Tracy <Tnayer@ncdoj.gov>

Date: Friday, February 21, 2025 at 12:10 PM

To: Neil Ende <nende@tlgdc.com>

Cc: Greg Taylor <gtaylor@tlgdc.com>, Alyse.Meislik@azag.gov <Alyse.Meislik@azag.gov>, Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>, Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>, Erin Leahy (OH AG) (erin.leahy@ohioago.gov) <erin.leahy@ohioago.gov>, Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>, Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>, Nayer, Tracy <Tnayer@ncdoj.gov>, Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com>, Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>, Sparko, Rochelle <rsparko@NCDOJ.GOV>, Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov)

<Thomas.Martindale@atg.in.gov>

Subject: RE: Request for Meet-and-Confer on Protective Order

Neil,

We are unwilling to restart the drafting and approval process for the PO when we have received approval from all Plaintiffs on the draft we were working through with you beginning last year.

Attached is a copy of the most recent version of the PO that we last exchanged with you. We will look forward to talking through this draft on Monday at 3:00 pm ET, and will send an invite shortly.

Tracy



Tracy Nayer

Special Deputy Attorney General

Consumer Protection Division

North Carolina Department of Justice

(919) 716-6581

tnayer@ncdoj.gov

Post Office Box 629, Raleigh, NC 27602

114 West Edenton Street, Raleigh, NC 27603

<https://ncdoj.gov/>

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From: Neil Ende <nende@tlgdc.com>

Sent: Friday, February 21, 2025 11:48 AM

To: Nayer, Tracy <Tnayer@ncdoj.gov>

Cc: Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>; Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>; Erin Leahy (OH AG) (erin.leahy@ohioago.gov) <erin.leahy@ohioago.gov>; Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>; Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>; Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com>; Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>; Sparko, Rochelle <rsparko@NCDOJ.GOV>; Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov) <Thomas.Martindale@atg.in.gov>; Greg Taylor <gtaylor@tlgdc.com>

Subject: Re: Request for Meet-and-Confer on Protective Order

Importance: High

Tracy/AGs:

Attached is the form Protective Order published by the District Court.

We are ok with this form. We would like to get it signed and issued as soon as possible so that discovery can proceed in an efficient manner.

Please let me know if you have any edits.

We can be available to discuss the PO and ESI issues at 3:00 EST on Monday.

Thank you.

Neil S. Ende, Esq.
Managing Partner
Technology Law Group, LLC
nende@tlgdc.com
202-895-1707 (Office)
202-256-0120 (Mobile)
703-229-6741 PIN 854# (Voice Conference Bridge)

From: Nayer, Tracy <Tnayer@ncdoj.gov>
Date: Friday, February 21, 2025 at 11:43 AM
To: Greg Taylor <gtaylor@tlgdc.com>, Neil Ende <nende@tlgdc.com>
Cc: Alyse.Meislik@azag.gov <Alyse.Meislik@azag.gov>, Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>, Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>, Erin Leahy (OH AG) (erin.leahy@ohioago.gov) <erin.leahy@ohioago.gov>, Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>, Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>, Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com>, Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>, Sparko, Rochelle <rsparko@NCDOJ.GOV>, Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov) <Thomas.Martindale@atg.in.gov>
Subject: RE: Request for Meet-and-Confer on Protective Order

Greg,

Thanks for reaching out. We think it would be helpful to find a time to talk about both the protective order and the ESI. Here are some times we are available next week:

- Tuesday, Feb. 25, anytime between 1:00 pm and 4:00 pm ET
- Wednesday, Feb. 26, anytime between 2:00 pm and 4:00 pm ET
- Friday, Feb. 28, between 11:00 am and 1:00 pm ET

Thanks and have a good weekend,
Tracy



Tracy Nayer
Special Deputy Attorney General
Consumer Protection Division
North Carolina Department of Justice
(919) 716-6581
tnayer@ncdoj.gov
Post Office Box 629, Raleigh, NC 27602
114 West Edenton Street, Raleigh, NC 27603
<https://ncdoj.gov/>

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From: Greg Taylor <gtaylor@tlgdc.com>
Sent: Friday, February 21, 2025 10:04 AM
To: Nayer, Tracy <Tnayer@ncdoj.gov>; Neil Ende <nende@tlgdc.com>
Cc: Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>;

Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>; Erin Leahy (OH AG) (erin.leahy@ohioago.gov) <erin.leahy@ohioago.gov>; Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>; Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>; Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com>; Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>; Sparko, Rochelle <rsparko@NCDOJ.GOV>; Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov) <Thomas.Martindale@atg.in.gov>

Subject: Re: Request for Meet-and-Confer on Protective Order

Tracy:

I write in response to your message below. I am available today to talk about ESI. If you need more time to gather participants, next week is fine, but prefer after Wednesday. Can work around if needed as I'm more concerned about having our discussion than whether it's at a convenient time.

Please advise when convenient.

Best,
Greg

From: "Nayer, Tracy" <Tnayer@ncdoj.gov>

Date: Friday, February 14, 2025 at 10:29 AM

To: Neil Ende <nende@tlgdc.com>, Greg Taylor <gtaylor@tlgdc.com>

Cc: "Alyse.Meislik@azag.gov" <Alyse.Meislik@azag.gov>, "Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov)" <douglas.swetnam@atg.in.gov>, "Dylan Jones (AZ AG) (Dylan.Jones@azag.gov)" <Dylan.Jones@azag.gov>, "Erin Leahy (OH AG) (erin.leahy@ohioago.gov)" <erin.leahy@ohioago.gov>, "Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov)" <Laura.Dilweg@azag.gov>, "Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov)" <michel.singernelson@coag.gov>, "Patrick Crotty (FL)" <Patrick.Crotty@myfloridalegal.com>, "Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov)" <Sarah.Pelton@azag.gov>, "Sparko, Rochelle" <rsparko@NCDOJ.GOV>, "Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov)" <Thomas.Martindale@atg.in.gov>

Subject: RE: Request for Meet-and-Confer on Protective Order

Neil and Greg,

We write to follow up on our request to meet-and-confer to finalize the protective order and to discuss getting an ESI agreement in place in this matter.

Please let us know your availability when you are able to do so. Thanks, and have a good weekend,
Tracy



Tracy Nayer
Special Deputy Attorney General
Consumer Protection Division
North Carolina Department of Justice
(919) 716-6581
tnayer@ncdoj.gov
Post Office Box 629, Raleigh, NC 27602
114 West Edenton Street, Raleigh, NC 27603
<https://ncdoj.gov/>

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From: Erin Leahy <erin.leahy@OhioAGO.gov>
Sent: Monday, February 3, 2025 12:54 PM
To: Neil Ende <nende@tlgdc.com>; Nayer, Tracy <Tnayer@ncdoj.gov>
Cc: Greg Taylor <gtaylor@tlgdc.com>; Meislik Alyse <Alyse.Meislik@azag.gov>; Swetnam Douglas <douglas.swetnam@atg.in.gov>; Jones Dylan <Dylan.Jones@azag.gov>; Dilweg Laura <Laura.Dilweg@azag.gov>; Singer Nelson Michel <michel.singernelson@coag.gov>; Crotty Patrick <Patrick.Crotty@myfloridalegal.com>; Pelton Sarah <Sarah.Pelton@azag.gov>; Sparko, Rochelle <rsparko@NCDOJ.GOV>; Martindale Thomas <Thomas.Martindale@atg.in.gov>; Nayer, Tracy <Tnayer@ncdoj.gov>
Subject: RE: Response to Settlement Issues

Neil,

Thank you for agreeing to the extension until Friday, February 7th. We can confirm that our responses will include substantive documents and objections. We will serve our responses and begin production on Friday. There are documents that we will withhold until the protective order is in place. Additionally, we will need to have additional discussion on establishing an ESI protocol, particularly given that the call detail records alone are 7 terabytes of data.

We are happy to set up a call to discuss finalizing the protective order and an ESI protocol after the settlement conference next week. For your convenience, I am attaching the last two emails we exchanged on the protective order.

Thanks, Erin



Erin B. Leahy
Senior Assistant Attorney General
Consumer Protection Section
Office of Ohio Attorney General Dave Yost
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Office number: 614-752-4730
Fax number: 866-768-2648
Erin.Leahy@OhioAGO.gov

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